

**MINUTES OF THE
LAKE COUNTY PLANNING COMMISSION**
February 28, 2006

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Vice-Chairman Brotzman called the meeting to order at 7:00 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Brotzman, Fitzmaurice, Franz (Alt. for Schaedlich), Klco (Alt. for Troy), Siegel, Simon, Smith (Alt. for R. Sines) and Mmes. Hausch and Pesec. Staff present: Messrs. Webster, Radachy and Ms. Myers.

MINUTES

Corrections to the January 31, 2006 minutes were submitted as follows:

1. Page 6 – Paragraph should read “Mr. Schaedlich said he had an issue that, if the Township were to rezone on this request, they would be getting requests for just about everything east of Ravenna Road.”
2. Page 9 – Mr. Schaedlich had abstained on the first motion.
3. Page 1 – Mr. Simon had abstained on the motion to approve the minutes for the January 31, 2006 meeting.

Mr. Siegel moved to approve the minutes from the January 31, 2006 meeting with the corrections submitted above and Mr. Simon seconded the motion.

All voted “Aye”.

FINANCIAL REPORT

January Financial Statement

Ms. Hausch moved and Mr. Simon seconded the motion to approve the January 2005 financial statement as submitted.

All voted “Aye”.

Public Officials Directory Printing Quotes

Mr. Webster explained that this year’s Public Officials Directory would include the Lake County Chamber of Commerce’s request for 3,000 copies. Along with printing the Planning Commission’s 750 copies, printing this volume brings the cost per copy considerably lower than last year. Three printing quotes were submitted: Milbourn Pressworks at \$915.00, The Repro Center at \$1,267.50 and ProForma Creative Corporation at \$1,605.00.

Mr. Siegel moved to approve the bid for printing the Public Officials Director for 2006 at \$915.00 by Milbourn Pressworks. Mr. Simon seconded the motion.

All voted "Aye".

American Planning Association Conference

Mr. Webster explained that a staff member (Daniel Tasman) had requested to go to this national meeting to earn credits needed to keep his American Institute of Certified Planners (AICP) certification. The meeting will be held in San Antonio, Texas in April and would cost no more than \$2,600. This figure includes registration, airfare, room accommodations and meals for five days and would still need to be approved by the Lake County Commissioners. He stated there were other ways Mr. Tasman could get his credits, but he would like to go to the National APA meeting. Mr. Webster stated he would like to send other staff members to these periodically in the future.

Ms. Hausch moved to approve Mr. Tasman to travel to San Antonio, Texas to attend the American Planning Association Conference in the amount not to exceed \$2,600.00 subject to the approval of the Board of Lake County Commissioners. Mr. Smith seconded the motion.

All voted "Aye".

Vice-Chairman Brotzman opened the floor for public comment not addressed on the agenda at this time.

PUBLIC COMMENT

Mr. James Matthew Armstrong of the Lake County Health District was doing a community home assessment and noted that 38% of the Lake County residents are overweight. He wanted to know what the Planning Commission was doing to ensure that walking and recreation areas in green space are being incorporated into the subdivisions to give people the space to exercise and if there were specific requirements for this.

Mr. Radachy stated that the Subdivision Regulations address the interconnectivity of subdivisions. When connected, people can walk on sidewalks through three or four subdivisions without actually having to go on major roads. Concord Township does have conservation developments and planned unit development regulations. Perry Township has trails as a part of their planned unit development regulations. Painesville Township also has walking trails as part of their planned unit development regulations. We use our County Regulations with township zoning resolutions to attempt to connect walking trails and active recreation areas platted into the subdivisions. However, specific requirements for trails and recreation areas are determined at the township level and are defined by their comprehensive plans.

When the Planning Commission is responsible for writing township comprehensive plans, we try to make sure there is some kind of statement items such as walking paths and sidewalks. Mr. Webster continued saying the Commission can only make a recommendation to a township to include these types of open space issues.

Mr. Radachy offered to write a memorandum to Mr. Armstrong at the Health District regarding what we are doing to help alleviate the overweight issue.

LEGAL REPORT

Ms. Patricia Nocero, Assistant Prosecutor, stated there was no legal report.

DIRECTOR'S REPORT

Auburn-Crile Corridor Study

Mr. Webster brought up the Concord Township Auburn-Crile Corridor Study talked about last month. There have been four meetings of the Committee for this study. We are at the point where we are laying out recommendations and beginning to write. This study's efforts will not be duplicated by the County Engineer's *traffic* study on SR 44, which originated through Laketrans, the City of Painesville and the County Engineer. We are doing *land use and zoning* determinations for the Auburn-Crile corridor study initiated by Concord Township. The two studies give a complete vision of the corridor and complement, but do not duplicate each other. Concord Township only gave us a four-month timeline for the Auburn-Crile corridor study.

Mr. Radachy stated the County Engineer is hiring a consultant to study traffic patterns on Rt. 44 and they have applied for a NOACA grant on behalf of Concord Township.

Mr. Simon commented that he felt we should probably have taken the additional time necessary to do the Auburn-Crile corridor study more thoroughly.

Ms. Pesec commented that she thought rezoning should not be done until you have worked some of those bugs out.

Mr. Webster will find out which committee had initiated a consultant engineer group that called Mr. Simon concerning the RT 44 corridor. He thought it may have been a committee through the County Engineer study portion. It was not the committee we were involved with that called him.

Painesville Township Comprehensive Plan Update

The Painesville Township Comprehensive Plan should probably be finished in the next two months. There will be one more meeting with the Township officials to go over corrections made to the draft. The draft will then go out to the Township review committee and should be completed shortly after the draft has been reviewed.

ANNOUNCEMENTS

There were no announcements.

SUBDIVISION REVIEW

Perry township - Azalea Ridge Subdivision – Preliminary Plan, 46 Lots; Variance to Article IV, Sec. 2 (A)(1&2); Improvement Plans and Final Plat

Mr. Radachy introduced the Azalea Ridge Subdivision as having had submissions of a preliminary plan, preliminary improvement drawings, final plat and a variance. Located in Perry Township it has 46 sublots on 27 acres plus a block, which will eventually become

condominiums. The developer is Loreto Development Perry Company and Polaris is the surveyor/engineer for the preliminary plans and the final plat. CT Consultants, Inc. is the surveyor/engineer for the improvement plans. Azalea Ridge is currently zoned B-1 and R-1. The staff questioned whether the Township had a public hearing to make it a planned unit development yet and Mr. Siegel confirmed this had already been done. In 30 days, it will become an actual planned unit development. The reason the developer has presented everything at one time is because they will be building the YMCA Dream Home in this Subdivision and are trying to get this done in a timely manner in order to be able to build the home and put in a road.

Preliminary Plans and Variance for Azalea Ridge Subdivision

There were no stipulations on the Preliminary Plan when it was accepted. There are 11 proposed design stipulations, seven technical stipulations and five comments. See below:

Proposed Plan Stipulations:

None

Proposed Design Stipulations:

1. The subdivision shall show the arrangement of streets with provision for the continuation of the existing principal streets in adjoining areas (or their proper projection where adjoining land is not subdivided) insofar as they be deemed necessary for public requirements. The street and nonresidential alley arrangement shall permit access to adjoining property to provide for the orderly subdivision of land. The subdivision shall provide a stub street to the Walker Property to the east. *Article IV Section 2(A)(1) and (2)*
2. The developer shall show that sublots 11 and 46 have desirable and satisfactory building sites. Staff has noted that these lots will be greatly affected by the 50-foot buffer required by the zoning and the setbacks of 20 feet between buildings. *Article IV Section 3(A)(1)*
3. The storm sewer pipe in the easement on the subplot line of sublots 29 and 30 shall be a drainage easement to Perry Township. *LCPC*
4. The storm sewer pipe in the easement along the rear of subplot 31 and in block "E" shall be in a local service drainage easement to the homeowners association. *LCPC*
5. Provide information on who will own and maintain the blocks. *LCPC*
6. Storm sewer laterals are required for each subplot. *L.C. Engineer*
7. Storm water management shall be based on the one year critical storm method. *L.C. Engineer*
8. Provide pavement connection detail to existing Regina Court. *L.C. Engineer*

9. Pavement Design shall be based on Soil Analysis and AASHTO design parameters. *L.C. Engineer*
10. Provide additional access to proposed detention pond. *L.C. Engineer*
11. Provide drainage for mound areas. *L.C. Engineer*

Proposed Technical Stipulations:

1. Until plats and plans for the subdivision are approved, properly endorsed and recorded, no improvements such as sidewalks, water supply, storm sewers, sanitary sewerage facilities, gas service, electric service or lighting, grading, paving or surfacing of streets shall hereafter be made by the owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent. *Art. I, Sec 4, B*
2. Any subdivision with a preliminary plan filed after 1/27/04 will be required to provide a three year maintenance bond or surety when the subdivision goes into the maintenance phase. *Art. V Sect. 8(D)*
3. A Storm Water Pollution Prevention Plan must be prepared for erosion and sediment control. Effective March 1, 2000, an approved Erosion and Sediment Control (ESC) Plan shall be submitted after the approval of the Preliminary Plans and obtained prior to the approval of the Improvement Drawings by the Lake County Planning Commission (Section 5 of the Lake County Erosion and Sediment Control Rules, adopted 12/21/99). ESC Plan approvals shall be obtained through the Lake County Soil and Water Conservation District. *Art. IV, Sec. 3, E - Art. IV, Sec. 3, F - Art. V, Sec. 4, A - Art. V, Sec. 4, B - Art V, Sec. 4, C*
4. Ohio EPA NPDES permit for general storm water management and erosion & sediment control shall be obtained prior to the start of construction and copied to the District. *LCSWCD*
5. US Army Corps of Engineers / Ohio EPA wetland fill permits (if necessary) shall be obtained prior to the start of construction and copied to the District. *LCSWCD*
6. Final approval could be forthcoming when detailed construction plans are submitted to the Lake County Department of Utilities for review. *L.C. Utilities*
7. Prior to issuance of a final Certificate of Occupancy the Lake County General Health District shall have granted final approval of a conforming water and sanitary sewerage disposal system. A final Certificate of Occupancy will not be issued by the Lake County Building Department until or unless the building official inspects the building or structure and finds no violations of the provisions of the 2004 Residential Code of Ohio for One, Two and Three-Family Dwellings, or other laws that are enforced by the Lake County Building Department. No building or structure shall be used or occupied, and no change

in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a Certificate of Occupancy. *L.C. Building Inspector*

Proposed Comments:

1. Cul-de-sac right-of-way bulbs shall be reduced to 110 feet unless the pavement diameter is increased and township requests a larger pavement diameter. *LCPC*
 - a. Perry Township approves the cul-de-sac in Azalea Ridge being larger than the normal size. *Perry Township*
2. The 50-foot setback should be shown on Block “E”. *LCPC*
3. The plat cannot be used to transfer the blocks from the developer to another owner. This will have to be done by deed. *LCPC*
4. The 50-foot setback should start at the edge of the drainage easements on subplot 31 and block “E”. The drainage easement must stay clear and this will reduce the effects of the buffering. *LCPC*
5. Poor soils indicate dwellings without basements are recommended. *L.C. Engineer*

Variance Agency Comments:

1. No objection to the variance request. *Lake County Sanitary Engineer*
2. Roadways shall be constructed per LCE Standards. *Lake County Engineer*
3. Perry Township recommends the variance. *Perry Township Trustees*

This Subdivision is located between North Ridge Road (US 20) to the north and Middle Ridge Road to the south. The front half of the property is zoned commercial. There are to be condominiums behind the commercial property and then there will be single-family residential along with some open space. There is an exit off Middle Ridge Road and a connection that opens from a stub street from Red Mill Run II. There is a sanitary sewer going through an easement into the cul-de-sac of Azalea Drive and out to Middle Ridge Road.

Mr. Radachy discussed concerns with three design stipulations. The first stipulation says there is no connection to the property to the east. Per Subdivision Regulations, a stub street or a temporary cul-de-sac is required to be extended to the edge of the property line to provide for future subdivision interconnection for a better flow of traffic and other issues. There is a variance request on this stipulation.

Design stipulation #4, have the 50-foot buffer start at the edge of the drainage easements. There is a 20-foot drainage easement running along Rt. 20 in Block E.

The staff is suggesting starting the 50-foot on the edge of the drainage easement. Also, they should use a vegetation buffer. There would be a total of 70 feet between the edge of the property line and the edge of the buffer. If kept at 50 feet, there would be 20 feet for a drainage easement and then 30 feet of an actual buffer

Another issue stated in stipulation #2 deals with Sublots 11 and 46 having building sites that will be greatly affected by the 50-foot buffer required by Perry Township's regulations between R-1 or B-1 and the PUD. This is a concern because at least a 10-foot sideline clearance between the two sublots is required and there is supposed to be 20 feet between buildings. This would leave a real narrow area for a house to be built; 45 feet on one lot and about 60 feet on the other. The developer shall show that sublots 11 and 46 have desirable building sites.

He continued saying there should be a connection to the Walker property to the east of the site per our Regulations. There is frontage onto Rt. 20, which requires ODOT approval. This is their only access. If the Walkers come out onto Rt. 20, there could be an offset issue between their ingress/egress and Antioch Road.

Staff is recommending approval of the Preliminary Plan and denial of the variance, which would have a negative impact on a neighboring property. The developer's reason not to connect is that the adjacent owner has frontage on Rt. 20 and an ingress/egress will be filed on the plat of a subdivision on the northeasterly end of the development. The developer did not give an extraordinary and unnecessary hardship based on exceptional topographical or physical conditions to allow us to vary Article IV, Sec. 2 (A)(1&2).

The Walker property is currently being used as residential. It was previously used as a gravel pit per Mr. Siegel. The Township is currently involved with the owners about possibly putting some commercial in the front of the property. They are not planning a subdivision on the rear property. The Township does not see any benefit in connecting to the Walker property and would like to see the variance approved. The Township has been working with the Walkers for about two years and has talked to the residents to get their input. There has been a give and take and 42 houses were eliminated.

Mr. Siegel inquired of Ms. Nocero if the corner lot would go to the Township Board of Zoning Appeals. She stated that it would be under the Subdivision Regulations. Mr. Radachy replied that the Regulations state that a developer has to develop desirable building lots. All the developer has to show is that they can get a house on the property.

Mr. Siegel then asked if the developer meets these criteria for the Planning Commission, and wants to do something different, does it go back to Zoning Appeals? Mr. Radachy stated they would have to abide by your zoning. Ms. Nocero stated that no zoning change would have any retroactive applications.

When the Red Mill Group was involved, Mr. Webster stated, the northern area of Block E was a stormwater retention with no outlet because it would seep in the ground. How would that affect this?

Mr. Siegel felt this area would be a better area as the water goes down quickly in that area because there is more gravel. The water may get reverted back when the roads are connected because, when there is a good storm, it will back up onto the old part of the subdivision and this will help alleviate the problem because they will expand the retention area enough to let water back in the basin.

Mr. Siegel further stated that the Walker property may not be very developable because of its gravel pits and high water table. Building basements on houses would be very questionable in this area.

Mr. Scharver of the Lake County Soil & Water Conservation District, reported at Ms. Pesec's request, that the District had given the Planning Commission a letter to attempt to clarify the high water table and the soil situation and their position. Sublots 1-5 and 18-46 are buildable, but basements should not be considered without fully investigating and precautions taken regarding positive drainage by homebuilders and homeowners due to the high water table conditions. He felt that from November to possibly June, the water table could be near or at the surface.

Ms. Pesec wanted to know how the developer was planning to notify the homebuilders and buyers of this. Is it buyer beware?

Mr. Loreto Iafelice answered this inquiry. He said he was involved in the first phase of Redmill Run consisting of 88 lots. Of 88 lots, there was one house that they built that had problems on it. Most of the builders in this area build their homes high and do not go down as deep as normal for a basement. They pretty much go to the homebuilders and homeowners to let them know of the high water table verbally. He felt it was not something that was bad enough to not do a basement, but they need to be aware of the problem.

Mr. Siegel felt that the house in question was being spring fed because the water was cold and clear. It was not ground water coming up from heavy rains. It was being fed by something. He believes the owner would have found either a spring or a broken field tile causing his flooding basement problem.

Mr. Brotzman brought up the fact that sewage from some areas in Perry Village has been going to the Dock Road waste management system in Madison Township. Over the years, he had heard about the need to put in a trunk line on Chapel Road and do away with the pressure line. It has also been said that future development in Perry is close to max because of the capacity of the line coming from Perry into Madison. Mr. Brotzman stated he had attended a meeting with the sanitary engineer stating that because of the distance of the line between the plant and Evergreen, and the way that line is curved and pressurized you cannot put much more into that line. Mr. Siegel had spoken to Mr. Doug Bradley of Utilities last Friday and had sent a letter from the Township to Congressman LaTourette endorsing a \$500,000 grant to do this. He said the line for this subdivision goes down Brandywine, Call Road, the Evergreen pump station and goes to Madison from there. He was not sure where it went when it hit Madison. Mr. Siegel said the plant capacity is at 50%. They could increase the pump sizes and run another line, but Utilities is looking to replace the lines that are too small. The Sanitary Engineer would let us

know if the system could not handle this. Wal-Mart is also paying for some of the upgrading to sewers.

Mr. Radachy stated that the Perry Fire Chief submitted his comments as approved with stipulations, but no actual stipulations were submitted.

If the variance is approved, it would eliminate Stipulations #1 in the Preliminary Plans, #4 in the Improvement Plans and #4 on the Final Plat.

Staff recommended denial of the variance because there was not enough information given to show a physical hardship. He stated that the information of the Walker site being a gravel pit and not really suitable for development had not been submitted for him to review so it could not be taken in consideration at the time of staff's recommendation. It would be considered as a hardship and could be taken into consideration at this point.

Mr. Adams moved to approve the Preliminary Plan for the Azalea Ridge Subdivision with no preliminary stipulations, eleven design stipulations, seven technical stipulations and five comments. Mr. Simon seconded the motion.

All voted "Aye".

Mr. Adams moved to grant the variance to Article IV, Sec. 2(A)(1 & 2) and Mr. Fitzmaurice seconded the motion.

Eight voted "Aye".

Ms. Peseck and Mr. Klco opposed.

Perry Township - Azalea Ridge Subdivision Improvement Plans and Final Plat

Mr. Radachy stated that the Improvement Plans consisted of 45 lots and the applicant was Loreto Development Perry Company with CT Consultants, Inc. being the surveyor/engineer. There are 21 stipulations and one comment listed below. Stipulation #4 will be eliminated because the variance was approved.

Proposed Preliminary Improvement Plan Stipulations:

1. A Storm Water Pollution Prevention Plan must be prepared for erosion and sediment control. Effective March 1, 2000, an approved Erosion and Sediment Control (ESC) Plan shall be submitted after the approval of the Preliminary Plans and obtained prior to the approval of the Improvement Drawings by the Lake County Planning Commission (Section 5 of the Lake County Erosion and Sediment Control Rules, adopted 12/21/99). ESC Plan approvals shall be obtained through the Lake County Soil and Water Conservation District. *Art. IV, Sec. 3, E - Art. IV, Sec. 3, F - Art. V, Sec. 4, A - Art. V, Sec. 4, B - Art V, Sec. 4, C*
2. Until plats and plans for the subdivision are approved, properly endorsed and recorded, no improvements such as sidewalks, water supply, storm sewers, sanitary sewerage facilities,

gas service, electric service or lighting, grading, paving or surfacing of streets shall hereafter be made by the owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent. *Art. I, Sec 4, B*

3. Any subdivision with a preliminary plan filed after 1/27/04 will be required to provide a three year maintenance bond or surety when the subdivision goes into the maintenance phase. *Article V Section 8(D)*
4. The subdivision shall show the arrangement of streets with provision for the continuation of the existing principal streets in adjoining areas (or their proper projection where adjoining land is not subdivided) insofar as they be deemed necessary for public requirements. The street and nonresidential alley arrangement shall permit access to adjoining property to provide for the orderly subdivision of land. The subdivision shall provide a stub street.
5. The developer shall show that sublots 11 and 46 have desirable and satisfactory building sites. Staff has noted that these lots will be greatly affected by the 50-foot buffer required by the zoning and the setbacks of 20 feet between buildings. *Article IV Section 3(A)(1)*
6. Perry Township is not in the Lake County Storm Water District. Add a signature line for the engineer responsible for approving for Phase II requirements. *LCPC*
7. Storm sewer laterals are required for each subplot. *L.C. Engineer*
8. Storm water management shall be based on the one year critical storm method. *L.C. Engineer*
9. Provide pavement connection detail to existing Regina Court. *L.C. Engineer*
10. Pavement Design shall be based on Soil Analysis and AASHTO design parameters. *L.C. Engineer*
11. Provide additional access to proposed detention pond. *L.C. Engineer*
12. Provide drainage for mound areas. *L.C. Engineer*
13. Subject to detailed review of revised drawings. *L.C. Engineer*
14. There shall be a twelve inch water line on Regina Drive from the stub end in Red Mill Run II Phase 2 subdivision to Azalea Drive. There shall be a twelve inch line on Azalea Drive from Middle Ridge to North Ridge Road (US 20). *Perry Fire District, Article V section 11*
15. Fire hydrants shall be placed not more than 300 feet apart. *Perry Fire District, Article V section 11*

16. The fire hydrant shall have one 4 ½ inch NST steamer connection and two 2 ½ inch outlets. *Perry Fire District, Article V section 11*
17. Prior to issuance of a final Certificate of Occupancy the Lake County General Health District shall have granted final approval of a conforming water and sanitary sewerage disposal system. A final Certificate of Occupancy will not be issued by the Lake County Building Department until or unless the building official inspects the building or structure and finds no violations of the provisions of the 2004 Residential Code of Ohio for One, Two and Three-Family Dwellings, or other laws that are enforced by the Lake County Building Department. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a Certificate of Occupancy. *L.C. Building Inspector*
18. Ohio EPA NPDES permit for general storm water management and erosion & sediment control shall be obtained prior to the start of construction and copied to the District. *LCSWCD*
19. US Army Corps of Engineers / Ohio EPA wetland fill permits (if necessary) shall be obtained prior to the start of construction and copied to the District. *LCSWCD*
20. Complete minor revisions to the Erosion and Sediment Control Plan submitted with the Improvements Plans. *LCSWCD*
21. Final approval could be forthcoming when detailed construction drawings are submitted to the Lake County Department of Utilities for review. *L.C. Utilities*

Proposed Improvement Plans Comments

1. Zachary Court may have an eight inch water line. *Perry Fire District*

The Fire Chief noticed that there was a 12" water line on the Preliminary Plan along Azalea Ridge Drive, but there was only an 8" water line on the Improvement Plans. He would like to see a 12" water line to provide proper fire protection for the site.

Perry is not part of the Stormwater Department. The party who approves compliance to stormwater in Phase 2 needs to have a signature line. Mr. Siegel stated it was him.

The staff is recommending approval of the Improvement Plans.

The Final Plat developer is Loreto Development Perry Company and the surveyor/engineer is Polaris. The following are the proposed stipulations and comments for the Azalea Ridge Subdivision Final Plat:

Proposed Final Plat Stipulations:

1. The Lake County Engineer is to approve all plats submitted under the Lake County Subdivision Regulations. Remove the signature line for Township Engineer and add a signature line for the County Engineer. *Article III Section 6(G)*
2. An approval signature line shall be added for the Lake County Prosecutor and remove the signature line for the township solicitor. *Article III Section 7(A)(5)*
3. No subplot shall have less area or width than is required by the zoning resolution applying to the area in which it is located. Lake County Planning Commission will enforce the township zoning for lot size. There is no need for a signature line for the zoning inspector. It will be removed. *Article IV Section 3(A)(3)*
4. The subdivision shall show the arrangement of streets with provision for the continuation of the existing principal streets in adjoining areas (or their proper projection where adjoining land is not subdivided) insofar as they be deemed necessary for public requirements. The street and nonresidential alley arrangement shall permit access to adjoining property to provide for the orderly subdivision of land. The subdivision shall provide a stub street to the Walker property to the east. *Article IV Section 2(A)(1) and (2)*
5. The storm sewer pipe in the easement on the subplot line of sublots 29 and 30 shall be a drainage easement to Perry Township. *LCPC*
6. The storm sewer pipe in the easement along the rear of subplot 31 and in Block “E” shall be in a local service drainage easement to the homeowners association. *LCPC*
7. Block “E” is marked as open space on the cover sheet of the plat. When the proposed district change was presented to the Planning Commission in November, 2005, Block “E” was proposed to be condominiums. If the intention is to make Block “E” condominiums, it shall be removed from the language on the cover sheet. *LCPC*
8. Local Service Drainage Easement language shall be on the cover sheet. *LCPC*
9. Sanitary sewer easement language to cover the easement in Block “E” shall be on the cover sheet. *LCPC*
10. If Orwell Natural Gas Company is providing natural gas; the cover sheet shall be changed to reflect this. *LCPC*
11. A utility easement shall be obtained from Kurt West to connect Block “A” and subplot 11. *LCPC*
12. The ownership of the land is with Loreto Development Perry Company. The subdivision is being dedicated by Loreto Iafelice Landscaping, Inc. The owner of the land shall dedicate the subdivision. *LCPC*
13. Submit closure sheet. *L.C. Engineer*

14. There are several distance calculations differences in reference to Red Mill Run Subdivision. *L.C. Engineer*
15. Must show existing storm sewer easements. *L.C. Engineer*
16. A minimum of two points are required to be tied to Ohio State Plane Coordinates and to a minimum of two Lake County Monuments. The coordinates are to be shown in US survey feet, NAD 83, GRID cords, 1986 adjustment which match the Lake County GIS mapping. *L.C. Engineer*
17. Site map does not show connections to Middle Ridge. *L.C. Engineer*
18. Do not place monument box in Middle Ridge, place on ROW/CL of Azalea. *L.C. Engineer*
19. Remove all references to Lake County Stormwater Management Department. *L.C. Engineer*

Proposed Final Plat Comments:

1. The 50-foot setback should be shown on Block "E". *LCPC*
2. The plat cannot be used to transfer the blocks from the developer to another owner. This will have to be done by deed. *LCPC*

There are language areas and many signature lines that need to be added or removed on the cover sheet of the Final Plat. Stipulation #4 would be eliminated because of the variance.

The staff is suggesting denying the Final Plat. They can continue their journey through the County Engineer, Utilities Department and Soil and Water. If they come back next month with a corrected plat, they should not be that far behind. If the developer wishes, he could table the plat instead of having it denied.

Mr. Simon brought to the board's attention that this is the location for the YMCA's Dream House and was concerned that a denial would delay it being built on time. Mr. Webster stated that with the Preliminary Plan and Preliminary Improvement Plans being approved, the road design and the basic lot design would be okay. They just needed to clean up the Plat and get it back to us next month. The Commissioner's will not sign the Plat unless they see the Prosecutor's signature on it and that will not happen until the Final Plat is right.

Mr. Simon moved to accept Mr. Iafalice's written request to table the Final Plat for the Azalea Ridge Subdivision. Mr. Adams seconded the motion.

All voted "Aye".

Mr. Siegel moved to approve the Preliminary Improvement Plans for the Azalea Ridge Subdivision with 20 stipulations (stipulation #4 is removed because the variance was approved) and one comment. Ms. Hausch seconded the motion.

All voted "Aye".

Mr. Simon stated he wanted to know why the incorrect signature lines and verbiage on the Final Plat was not pointed out in the pre-application meeting with this developer and engineer. Mr. Radachy stated that only the Preliminary Plan was brought into the meeting. At that time, staff gave suggestions to make it better and brought up the fact that he would have to ask for a variance to not connect to the property to the east. The issues on the Final Plat were not uncommon when an engineer deals a lot with a City per the Assistant Prosecutor. Mr. Simon stated that he would like to see the staff make up a punch sheet for the developers to use for their Final Plat cover sheet.

Painesville Township - Maple View Subdivision, Variance to Article IV, Sec. 2 (A)(1 & 2) and Sec. 2 (G)(1), Block Less than 500 Feet

Maple View Subdivision is a FPUd IN Painesville Township consisting of three sublots on 33.15 acres of commercial land to be used as condominiums. It is located on Richmond Road, north of Rt. 2, east of Newell Street, and south of Florence Avenue. Nelson Properties LLC is the developer and Greenland Consultants is the engineer/surveyor. The Preliminary Plan was approved January 31, 2006, with the stipulation that they provide access to it.

The following review agencies comments were received on these variances:

1. Support the variance requests. *Painesville Township*
2. Master plan approved for the FPUd with dedicated road located as submitted (subjected to approval of ODOT). *Painesville Township*
3. Moving the public road to access industrial property would not enhance the area and would be detrimental to the approved plan. *Painesville Township*
4. Access to industrial could be provided by other industrial property along the tracks. *Painesville Township*
5. Roadways shall be constructed per LCE Standards in either case.

The concerns last month were the nearness of railroad tracks and a short block of 180 feet. ODOT controls the access on SR 283. There is also an issue with the unsubdivided property around the wetlands. These wetlands were not delineated last month. Two sublots are to be used as commercial retail sites; the third subplot is to become a condominium development. In order to provide proper access, they would have to bring a dedicated road through the condominiums and into a heavy industrial zone. These uses would not be compatible. The other option would require the disturbance of a significant portion of existing delineated wetlands. The developer is asking for variances on block length and to not connect a cul-de-sac.

There was concern about leaving a land-locked piece of property, but there is the possibility of another access of a legal easement through property owned by Richmond Road Properties. This land has been land-locked since SR 2 was developed 50 years ago. Ms. Nocero asked if this piece of property was being made unusable and Mr. Webster said “No” and it was land-locked prior to this development. Ms. Nocero also stated that the Planning Commission did not have to provide access to previously land-locked property.

Mr. John Urbanick is the owner of the three pieces of property being developed. The front five acres and the back area that the tenant landscapers are using are owned by Mr. Todd Harrison’s company. They had a lot of discussion on the condominium layout with the Mr. Harrison and he has provided an access easement to that property. The Township has been given the option to go through the condominium property and access the public road from the cul-de-sac in the future, and it will be put in the condominium owners’ documents. Mr. Urbanick said the Township did not want a public access road at this time because of the industrial. He can get documentation to confirm this. Mr. Webster stated oral representation of this fact is all that is needed at this meeting.

Mr. Radachy showed the members the portion of the development in Painesville Township and stated that everything east of the railroad tracks is in the City of Painesville.

Mr. Radachy continued stating the set of railroad tracks does not get much use and the reason for the block length of 500 feet between an exit and a borough tracks is to provide stacking room for cars that are waiting for the train to pass. This should not be an issue. ODOT may require the Township to put up a “do not block the road” sign at the access. They are in the process of applying for a permit to access SR 283 due to the access management rules.

Mr. John Sines of Greenland Consultants stated that the submitted wetland drawing has been designed to be used only as a conceptual, not actual, layout.

Staff recommended both variances be approved.

Mr. Smith moved to approve the two Maple View Subdivision, Painesville Township, variances to Article IV, Section 2(A)(1 &2) and Article IV, Section 2 (G)(1) and Ms. Hausch seconded the motion.

All voted “Aye”.

LAND USE AND ZONING

Concord Township – Zoning District Amendment from R-1, Residential to B-1, Restricted Retail, Parcel 08A-013-0-00-005-0

Staff started the presentation by showing the location of the proposed district change as being on the west side of Ravenna Road and south of Concord-Hambden Road. Staff explained that the site was 1.6 acres of land on Ravenna Road currently zoned R-1. They are proposing to change to B-1. The site was currently vacant. He also stated the adjacent land uses and ownership of parcels. The 2004 Concord Township Comprehensive Plan’s recommendation for this area was to create a town center at the intersection of Concord-Hambden and Ravenna Roads. The applicant was Anthony Zappitelli.

It was determined that the actual amount of land on the site was 1.48 acres per the legal description, which allowed for 97 feet of developable area to include parking, etc.

The Land Use and Zoning Committee recommended making the district change because it follows the Concord Township Comprehensive Plan.

Mr. Adams moved and Mr. Siegel seconded the motion to accept the recommendation of the Land Use and Zoning Committee to recommend making the change from R-1, Residential to B-1, Restricted Business on Concord Township parcel 08A-013-0-00-005-0.

All voted "Aye".

Painesville Township – Zoning District Change from R-1, Residential to R-3, Duplex on Parcels 11B-065E-030 and -034

Mr. Radachy began stating this was a proposed zoning district change from R-1, Residential to R-3, Duplex in Painesville Township. The application was submitted by RKAM Enterprises, Inc. The locations of the two parcels involved are on the east side of Richmond Road and south of Grand River Village. Staff explained that the acreage of both sites totaled .867 acres. A duplex is currently on .477 of an acre, which is a legal non-conforming use; the remainder of 0.39 of an acre is vacant. The duplex was built in 1980; this was prior to the creation of the R-3 district in 1987. At that time it became a non-conforming use. The 1996 Painesville Township Comprehensive Plan recommends this area to be single-family residential. There is a multi-family complex across the street.

The Land Use and Zoning Committee recommended that the district change not be made. It does not conform to the Painesville Township Comprehensive Plan. The existing non-conforming use can continue in the R-1 zone. The minimum size for an R-3 lot is 17,000 sq. ft. This lot is 16,988 sq. ft. The vacant lot would be a substandard lot size by 12 square feet. This zoning change could lead to other district changes to duplex condominiums along Richmond Road.

Mr. Adams moved to accept the recommendation of the Land Use and Zoning Committee to not recommend the district change from R-1, Residential to R-3, Duplex on parcels 11B-065E-030 and -034 in Painesville Township. Mr. Simon seconded the motion.

All voted "Aye".

REPORTS OF SPECIAL COMMITTEES

Lake County Coastal Plan Committee

The Lake County Coastal Plan Committee met last Wednesday. Copies of the minutes were not submitted with the handout and will be included in next month's information. The staff has submitted a request to Congressman LaTourette's office for funding in the amount of \$80 million. We will need to find a 25% match. The Committee and others will be in the process of working on this during the year. Knowing the timeline involved in Congressman LaTourette's

office to find funding, the Committee has decided to change from monthly to quarterly meetings. The next meeting will be Wednesday, May 24, 2006.

CORRESPONDENCE

Mountaintop Estates Subdivision Fees

Mr. Todd Slowey of SPS Mountain, LLC mailed a request to have a previous fee payment reinstated towards a Preliminary Plan they had withdrawn in October, 2005. There was a stipulation that they interconnect to Pinecrest Road, but withdrew the Plan before the Planning Commission reviewed the variance. Mr. Radachy had spoken to the engineer at the time that the Plan was withdrawn and suggested they table it instead so they could come back without having to resubmit the fee. They chose to withdraw it anyway. They are now looking to submit the Preliminary Plan because of some changes and do not want to have to resubmit another fee in March.

Mr. Radachy explained that they had started the RCD district change process and went through the pre-application conference with the Township and decided not to go forward with the RCD. Then they came back with a standard subdivision for this property on 22,000 sq. ft. lots. This was the design that was submitted to the Planning Commission and withdrawn. They had an open space area that was land locked. This was one of the points of contention with Concord Township as to who would wind up owning it and how would it be accessed.

Mr. Simon asked Mr. Webster if he could make this decision instead of the Commission and was informed that he could not.

They had asked for a variance to a connection at Pinecrest that staff was going to suggest you do, but it never made it to this board for a decision. They withdrew the subdivision. Mr. Simon thought this had even been discussed at a previous meeting. The only regulation is about a fee if there was a denial made by this body.

Mr. Simon moved to not discount the fee for the Mountaintop Estates Subdivision Preliminary Plan. Mr. Siegel seconded the motion.

All voted "Aye".

OLD BUSINESS

Subdivision Regulations

The staff presented a number of possible ways to define "original tract" for the Subdivision Regulations and was asking the Commission for some direction on how they would like to see this presented. There had been a Committee set up to review these things, but there was no response on this item except tentatively by Ms. Pesec for the shortest definition. Under Senate Bill 115, if we do not define original tract by April, 2007, then we must use the definition as defined by the State law language, allowing four splits and a remainder every year. This would require a public hearing to change.

There was discussion concerning some abuses that allowed legal circumvention of the Subdivision Regulations. This new law gives some jurisdiction, but it also curtails the

Township's private property rights. Anything between zero and five acres is defined as a lot split by State law. Flag lot issues were considered.

After some discussion, it was determined that the Planning Commission had a good idea of how the members would like to see this handled and the staff would be able to determine where to go from there.

NEW BUSINESS

There was no new business.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Mr. Fitzmaurice moved to adjourn the February 28, 2005 meeting at 9:25 p.m. Mr. Siegel seconded the motion.

All voted "Aye".

Timothy C. Brotzman, Vice Chairman

Darrell C. Webster, Director/Secretary